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Attorneys for Plaintiff

FACEBOOK, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FACEBOOK, INC., a Delaware
corporation,

Plaintiff,

v.

ONEAUDIENCE LLC,

Defendant.

CASE NO.: 3:20-CV-01461-JD

**STIPULATION AND [PROPOSED]
ORDER REGARDING
INJUNCTION AND DISMISSAL**

WHEREAS, on February 27, 2020, Plaintiff Facebook, Inc. (“Facebook”) filed this action against Defendant oneAudience LLC (“oneAudience”) seeking injunctive and monetary relief.

WHEREAS, oneAudience is not a legal entity but instead a d/b/a of OWMN, Ltd. (“Defendant”).

WHEREAS, the parties have agreed to resolve this action, and part of that resolution includes the entry of a stipulated injunction.

NOW, THEREFORE, the parties stipulate and agree as follows:

STIPULATED INJUNCTION

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the parties, that:

1. Defendant and all other individuals acting on Defendant’s behalf who are described in Federal Rule of Civil Procedure 65(d)(2) (collectively, the “Prohibited Parties”) are immediately and permanently ordered and enjoined as follows:

- a. The Prohibited Parties are immediately and permanently enjoined from developing, maintaining, or using, whether directly or indirectly via a third party, intermediary, or proxy, the software development kit described in Facebook’s Complaint in this action.
- b. The Prohibited Parties are immediately and permanently enjoined from developing, maintaining, or using, whether directly or indirectly via a third party, intermediary, or proxy, any software or malicious code that interacts with Facebook’s or Instagram’s platforms and computer networks, including but not limited to any software or malicious code that automates the improper collection of data from Facebook or Instagram.
- c. Defendant is immediately and permanently enjoined from creating or maintaining a Facebook or Instagram account, or having a third party create or maintain a Facebook or Instagram account for

Defendant, absent express written consent from Facebook. oneAudience is not prohibited from seeking this written consent by and through Facebook's counsel. Nothing in this paragraph is intended to limit Facebook's ability to immediately enforce its terms and policies.

2. The Court will retain continuing jurisdiction to enforce the terms of this Stipulated Injunction and to address any other matters arising out of or regarding this Stipulated Injunction, including any allegations that the parties have failed to comply with their obligations as set forth in this Stipulated Injunction, and the parties agree to submit to the Court's jurisdiction for those purposes.

The rights and obligations under this Stipulated Injunction shall benefit, and be binding upon, each of the parties and their respective affiliates, predecessors, successors and assigns.

DISMISSAL

Plaintiff's claims against Defendant are hereby dismissed with prejudice against the Defendant, except the Court retains jurisdiction to enforce this Stipulated Injunction and Dismissal. Each party bears its own fees and costs.

IT IS SO STIPULATED.

Dated: March 11, 2021

HUNTON ANDREWS KURTH LLP

By: /s/ Jason J. Kim

Ann Marie Mortimer

Jason J. Kim

Jeff R. R. Nelson

Attorneys for Plaintiff

FACEBOOK, INC.

Platform Enforcement and Litigation

Facebook, Inc.

Jessica Romero

Michael Chmelar

Olivia Gonzalez

1 Dated: March 11, 2021

FARELLA BRAUN + MARTEL LLP

2
3 By: /s/ C. Brandon Wisoff
4 C. Brandon Wisoff
5 William Brookes Degen
6 Attorneys for Defendant
7 OWMN, LTD D/B/A
8 ONEAUDIENCE

Signature Attestation Pursuant to Local Rule 5-1(i)(3)

9 I, Jason J. Kim, attest that all other signatories listed, and on whose behalf this
10 filing is submitted, concur in the filing's content and have authorized the filing.

11 Dated: March 11, 2021

12 By: /s/ Jason J. Kim
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PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court retains jurisdiction.

Dated: _____

By: _____

JAMES DONATO
United States District Judge

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